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OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

September 19, 2019

The Honorable William E. "Brit" Kirwan, Ph.D.
Chair, Blueprint for Maryland's Future Funding Formula Workgroup
90 State Circle
Annapolis, Maryland 21401

Dear Dr. Kirwan:

You have inquired whether the Blueprint for Maryland's Future Funding Formula Workgroup ("Workgroup") is subject to provisions of the Open Meetings Act ("OMA") under Title 3 of the General Provisions Article ("GP"). As the Workgroup does not fall within the definition of a "public body" as defined in GP § 3-101(h), it is not subject to the requirements of the OMA.

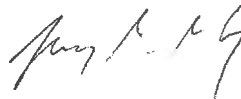
Under GP § 3-301, "[e]xcept as otherwise expressly provided in this title, a public body shall meet in open session." A "public body" is defined in GP § 3-101(h)(1) as an entity that consists of at least two individuals and is created by: (1) the Maryland Constitution; (2) a State statute; (3) a county or municipal charter; (4) a memorandum of understanding between local county boards of education and the State Department of Education; (5) an ordinance; (6) a rule, resolution, or bylaw; (7) an executive order of the Governor; or an executive order of the chief executive authority of a political subdivision. A "public body" also includes a multimember board, commission, or committee that is appointed by the Governor, chief executive authority of a political subdivision, or by an entity of the Executive Branch or official subject to its direction. GP § 3-301(h)(2).

As I understand it, the Workgroup was jointly appointed by the President of the Maryland Senate and Speaker of the House of Delegates by a joint statement in June of 2019. The Workgroup was not formally created through one of the seven methods described in GP § 3-101(h)(1). As a Workgroup created by the presiding officers of the General Assembly, the Workgroup likewise does not meet the definition of a "public body" appointed by the Governor or a political subdivision, or entity of, or official subject to an entity of the Executive Branch. GP § 3-301(h)(2). Accordingly, the Workgroup does not appear to constitute a "public body" that is subject to the requirements of the OMA.

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I hope this is responsive to your request. If you have any questions or need any additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy M. McCoy". The signature is fluid and cursive, with a large, stylized "J" and "M".

Jeremy M. McCoy
Assistant Attorney General